IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.3377 OF 2006

Shahid Habib Peerjade & Ors. .. Petitioners
vs
Masood Mustahesin Sabirali Peerjade & Ors. .. Respondent

Mr. S. G. Deshpande, Advocate i/b V.V. Purwant, Adcvocate for Petitioners

Mr. Mr. S.A. Sawant, Advocate for respondent No.1
Mr. K.A. Sayed, Adocate for the respondent No.2
Mr. P.I. Khemani, AGP for respondent No.3.

CORAM : K.J. ROHEE, J.
DATE : 12TH MAY, 2006.

p.c.

. Rule made returnable forthwith. Heard finally by consent of the parties.

2. Heard Mr. S.G. Deshpande, Advocate for the petitioners, Mr. S.A. Sawant, Advocate for the respondent No. 1, Mr. K.A. Sayed, Advocate for respondent NO.2 and Mr. P.I. Khemani, AGP for respondent NO.3.

3. Apparently the communication dated 8/5/2006 is in breach of the ciples of natural justice as the ear;oer prder dated 6/5/2006 in favour of the petitioners was cancelled without giving hearing to the

petitioners.

3. In view of this, I pass the following order;

(a) The permission dated 6/5/2006 granted by Chairman of Maharashtra State Board of Wakfs as well as communication dated 8/5/2006 made by the said Board is quashed and set aside.

(b) The Chairman, Maharashtra State Board of Wakfs is directed to decide the matter afresh by giving an opportunity of hearing to the petitioners as well as respondent NO.1 within a period of 2 weeks from the date of communication of this order.

(c) Board to act on the authenticated copy of this order.

(e) Rules is made absolute in above terms.

(K.J. ROHEE J.)